

EXHIBIT

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Civil Rights Division

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

December 18, 2013

John B. Scott
Office of the Texas Attorney General
209 West 14th Street
Austin, Texas 78711
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Re: December 12, 2013 Meet and Confer Teleconference, *Veasey v. Perry*, 2:13-cv-193 (S.D. Tex.), *United States v. Texas*, 2:13-cv-193 (S.D. Tex.), *Texas State Conference of NAACP Branches v. Steen*, 2:13-cv-291 (S.D. Tex.)

Dear Mr. Scott:

I write to memorialize the meet and confer teleconference held among counsel for parties in the above-referenced case on December 12, 2013.

United States' First and Second Sets of Requests for Production of Documents

Counsel for Texas did not raise any issues concerning the United States' First Set of Requests for Production of Documents. As to the United States' Second Set of Requests for Production of Documents, counsel stated that Texas will produce the Texas Election Administration Management (TEAM) database, the driver license and personal identification databases, the license to carry database, and the election identification certificate database. Counsel also indicated that Texas objects to producing some of the fields requested by the United States but did not identify the particular fields. Counsel did confirm, however, that Texas intends to produce full nine-digit social security numbers where available and will produce databases in a .csv format. In addition, Texas confirmed that it will produce the data on portable digital media to the Austin office of the United States Attorney for the Western District of Texas.

Counsel for Texas also indicated that the TEAM database does not currently include data for the November 5, 2013 statewide election from all Texas counties. Full data are expected to be reported by all counties by the end of December 2013. The United States stated that it will amend its Second Set of Requests for Production to clarify that the requests for TEAM data seek a snapshot of the TEAM database that includes full reporting from all counties regarding the November 2013 election. The United States served its amended Second Set of Requests for Production on December 16th by email.

Defendants' First Set of Requests for Production to the United States

The Department of Justice expressed concerns about the breadth of several definitions included in Defendants' First Set of Requests for Production to the United States, including the terms "you and your," "electronically stored information," and "SB 14." The definitions and many of the requests also contain no limitations on geography or time period. Texas indicated that it would take these concerns under advisement.

Counsel for the United States further expressed strong concerns about the breadth of the requests of the federal agencies, to the extent that the requests seek information unrelated to Texas residents or voters. The United States noted that, in essence, Texas's first request seeks the entirety of nationwide databases maintained by several federal agencies. Counsel for Texas acknowledged that the United States Bureau of the Census would not likely have documents responsive to the request. Texas also stated that it would clarify the application of the request to the Department of Homeland Security. The Justice Department indicated that it would make representatives from the Department of Homeland Security available if clarifying the requests required Texas to speak with DHS.

The Department of Justice asked that counsel for Texas consider requesting that the federal agencies to conduct a "match/no match" inquiry against the databases at issue, rather than requesting disclosure of the databases in their entirety. The United States explained that Texas could request the federal agencies to conduct a match against TEAM data, employing procedures and criteria specified by the State. Counsel for Texas responded that the State was not in a position at that time to instruct the federal agencies on how to conduct a match and would need additional information about a potential matching process.

After further discussion, counsel for Texas expressed a willingness to consider proceeding with "match/no match" process, in lieu of seeking the federal databases in their entirety, subject to certain provisos. First, Texas requested that the federal agencies agree to create a "no match" list from the State's data to produce to the other parties in the consolidated actions. Second, Texas indicated that its consent to a "match/no match" process would be contingent on a similar agreement by all other litigants that might request federal agency data from the United States. Counsel agreed to convene a call on Thursday, December 19, at 11 a.m. EST to discuss further the State's request for federal agency data.

If your recollection of our conference differs in any way, please advise me no later than **Thursday, December 19**. We look forward to speaking with you on Thursday.

Sincerely,

/s/ Elizabeth S. Westfall
Elizabeth S. Westfall
Voting Section
Civil Rights Division

cc: counsel for defendants (via electronic mail)